

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
NORTHEASTERN DIVISION

United States of America,)
)
)
Plaintiff,) Case Nos. 2:10-cr-01
) 4:05-cr-50-02
)
-vs-))
Victor Demery, Jr.,) **ORDER ADOPTING REPORT AND
RECOMMENDATION**
)
)
Defendant.))

Following a referral from the undersigned judge, Defendant Victor Demery, Jr. appeared before the Magistrate Judge for a hearing on alleged violations of supervised release conditions. The Court has received a Report and Recommendation from the Honorable Alice R. Senechal, United States Magistrate Judge, pursuant to 28 U.S.C. § 636, recommending that Demery's supervised release be continued through its scheduled completion date and that the conditions of supervised release be modified (Doc. #49 in Case No. 2:10-cr-01; Doc. #60 in Case No. 4:05-cr-50-02). Neither party objects to the recommended disposition contained in the Report and Recommendation (Docs. #50, 51 in Case No. 2:10-cr-01; Docs. #63, 64 in Case No. 4:05-cr-50-02).

The Court has reviewed the Report and Recommendation, along with the entire file, and finds the Magistrate Judge's recommendations are appropriate. Accordingly, the Court hereby adopts the Report and Recommendation in its entirety. For the reasons set forth therein, the Court finds Demery violated conditions of supervised release as set forth in the Second Amended Petition. The Court, therefore, orders as follows: Demery's supervised release shall continue through its scheduled completion date with the following modified conditions:

- (1) That Demery spend 60 days in custody at Lake Region Law Enforcement Center ("LRLEC");

- (2) After Demery completes his sentence at LRLEC, he shall be placed at Heart of America Correctional and Treatment Center for a period of up to 90 days for drug and alcohol treatment. Demery shall abide by all rules and conditions of the treatment program; and
- (3) Demery shall continue to abide by any supervised release condition not otherwise modified by this Order.

IT IS SO ORDERED.

Dated this 6th day of October, 2010.

/s/ Ralph R. Erickson
Ralph R. Erickson, Chief Judge
United States District Court